

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		GRANT NUMBER (FAIN): 99248805 MODIFICATION NUMBER: 3 PROGRAM CODE: BG	DATE OF AWARD 06/26/2012	
			TYPE OF ACTION Augmentation: Increase		MAILING DATE 07/03/2012
			PAYMENT METHOD: Advance		ACH# 20047
			RECIPIENT TYPE: State		Send Payment Request to: Las Vegas Finance Center
RECIPIENT: New Jersey Dept of Environmental Protection 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420 EIN: 21-6000928			PAYEE: New Jersey Dept of Environmental Protection 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420		
PROJECT MANAGER Judy Jengo 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420 E-Mail: judy.jengo@dep.state.nj.us Phone: 609-292-2885		EPA PROJECT OFFICER Richard Yue 290 Broadway, DEPP/SPMM/SPT New York, NY 10007-1866 E-Mail: Yue.Richard@epamail.epa.gov Phone: 212-637-3424		EPA GRANT SPECIALIST Cynthia Pabon Grants and Contracts Management Branch, OPM/GCMB E-Mail: pabon.cynthia@epa.gov Phone: 212-637-3405	
PROJECT TITLE AND EXPLANATION OF CHANGES FY2011 - 2013 Performance Partnership Grant This amendment increases the obligated federal funds by \$9,148,116 and the EPA in-kind amount by \$80,800 which brings the total federal funding for this agreement (obligated and in kind) to \$45,255,600. Also, the Terms and Conditions sections have been amended to include updated and new conditions.					
BUDGET PERIOD 07/01/2010 - 06/30/2013	PROJECT PERIOD 07/01/2010 - 06/30/2013	TOTAL BUDGET PERIOD COST \$92,463,358.00	TOTAL PROJECT PERIOD COST \$92,463,358.00		
NOTICE OF AWARD					
Based on your Application dated 05/28/2010 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$9,148,116. EPA agrees to cost-share 67.43% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$45,255,600. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866		ORGANIZATION / ADDRESS U.S. EPA, Region 2 Division of Environmental Planning and Protection 290 Broadway New York, NY 10007-1866			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
Digital signature applied by EPA Award Official Donna J. Vizian - Assistant Regional Administrator for Policy and Management				DATE 06/26/2012	

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 36,000,064	\$ 9,148,116	\$ 45,148,180
EPA In-Kind Amount	\$ 26,620	\$ 80,800	\$ 107,420
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 30,111,747	\$	\$ 30,111,747
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 66,138,431	\$ 9,228,916	\$ 75,367,347

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.605 - Performance Partnership Grants	Appropriations Act of 1996 (PL 104-134) Appropriations Act of 1998 (PL 105-65)	40 CFR PTS 31 & 35 SUBPT A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1202HE0250	12	E1	02T1	102A04	4108			1,329,262
-	1202HE0250	12	E1	02T10DG	102A04	4108			429,517
-	1202HE0250	12	E1	02T1	102A05	4108			75,000
-	1202HE0250	12	E1	02T1	201B03	4108			1,653,351
-	1202HE0250	12	E1	02T1	202B01	4108			934,600
-	1202HE0250	12	E1	02T1	202B06	4108			1,717,223
-	1202HE0250	12	E1	02T1	302D11	4108			2,546,306
-	1202HE0250	12	E1	02T1	303D11	4108			244,457
-	1202HE0250	12	E1	02W1	401C09	4108			128,500
-	1202HE0250	12	E1	02W1	501E12	4108			89,900
									9,148,116

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$46,635,757
2. Fringe Benefits	\$16,252,561
3. Travel	\$50,000
4. Equipment	\$1,464,650
5. Supplies	\$294,500
6. Contractual	\$3,318,250
7. Construction	\$0
8. Other	\$11,687,600
9. Total Direct Charges	\$79,703,318
10. Indirect Costs: % Base	\$12,760,040
11. Total (Share: Recipient <u>32.57</u> % Federal <u>67.43</u> %.)	\$92,463,358
12. Total Approved Assistance Amount	\$62,351,611
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$9,228,916
15. Total EPA Amount Awarded To Date	\$45,255,600

Administrative Conditions

The following Administrative Conditions have been revised:

2. DRUG-FREE WORKPLACE CERTIFICATION FOR ALL EPA RECIPIENTS

The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 2 CFR Part 1536 Subpart B. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 2 CFR Part 1536 Subpart C.

The consequences for violating this condition are detailed under Title 2 CFR Part 1536 Subpart E. Recipients can access the Code of Federal Regulations (CFR) Title 2 Part 1536 at

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=701081165f70316effa8ebf67df73de0&rqn=div5&view=text&node=2:1.2.11.11.2&idno=2>.

4. FEDERAL FINANCIAL REPORTS/GRANT CLOSEOUT

A) Interim Federal Financial Reports (FFRs)

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit an interim annual Federal Financial Report (SF-425) to EPA no later than 90 calendar days following the anniversary of the start date of the agreement. The FFR must be faxed to the Las Vegas Finance Office at 702-798-2423 or sent to the address below. A courtesy copy of the interim FFR can be submitted to the Grants and Contracts Management Branch using one of the following options: email to Region2_GrantApplicationBox@epa.gov, fax to 212-637-3518 or sent to us in the mail at U.S. EPA - Region 2, 290 Broadway, 27th Floor, New York, NY 10007. All email attachments must be sent in pdf format. Documents emailed to us in any other format cannot and will not be accepted.

B) Final Federal Financial Report

At the end of the project, the recipient must submit a final Federal Financial Report to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/finservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center:

US EPA, Las Vegas Finance Center

4220 S. Maryland Pkwy, Bld C, Rm 503
Las Vegas, NV 89119

or by Fax to: 702-798-2423.

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition.

C) Closeout

The Administrative Closeout Phase for this grant will be initiated with the submission of a "final" FFR. At that time, the recipient must submit the following forms/reports to the EPA Region 2 Grants and Contracts Management Branch, if applicable:

- Federally Owned Property Report
- An Inventory of all Property Acquired with federal funds
- Contractor's or Grantee's Invention Disclosure Report (EPA Form 3340-3)

Additionally, the recipient's Final Request for Payment should be submitted to the LVFC.

8. EXTENSION OF PROJECT/BUDGET PERIOD EXPIRATION DATE

If a no cost time extension is necessary to extend the period of availability of funds (budget period), the recipient must submit a written request, including a justification as to why additional time is needed and an estimated date of completion to the EPA prior to the budget/project period expiration dates. The extension request should be submitted to the EPA, Grants and Contracts Management Branch using one of the following options: email to Region2_GrantApplicationBox@epa.gov, fax to 212-637-3518 or sent to us in the mail at U.S. EPA - Region 2, 290 Broadway, 27th Floor, New York, NY 10007. An interim FFR (SF-425) covering all expenditures and obligations to date, must also be faxed to the Las Vegas Finance Office at 702-798-2423 or sent to the address below. To expedite processing of your request, please submit a courtesy copy of the interim FFR to the Grants and Contracts Management Branch along with your extension request. All email attachments must be sent in pdf format. Documents emailed to us in any other format cannot and will not be accepted.

US EPA, Las Vegas Finance Center
4220 S. Maryland Pkwy, Bld C, Rm 503
Las Vegas, NV 89119

or by Fax to: 702-798-2423.

All other Administrative Conditions remain the same.

Programmatic Conditions

The following conditions are revised:

3. EPA's INVOLVEMENT - COOPERATIVE AGREEMENT

EPA's substantial involvement is defined in jointly developing environmental goals within a workplan; identifying specific measures of progress towards these goals; and articulating strategies and actions designed to achieve them. EPA oversees the implementation of State-authorized programs, and provides technical and analytical support for State-authorized programs. EPA's substantial involvement is met by providing input in workplans and program activities, holding regular conference calls and site visits with NJDEP to discuss progress towards environmental program management and implementation.

8. FOOD AND REFRESHMENTS

Unless the event(s) and all of its components (i.e., receptions, banquets and other activities that take place after normal business hours) are described in the approved workplan, the recipient agrees to obtain prior approval from EPA for the use of grant funds for light refreshments and/or meals served at meetings, conferences, training workshops, and outreach activities (events). The recipient must send requests for approval to the EPA Project Officer and include:

- (1) An estimated budget and description for the light refreshments, meals, and/or beverages to be served at the event(s);
- (2) A description of the purpose, agenda, location, length and timing for the event.
- (3) An estimated number of participants in the event and a description of their roles.

Recipients may address questions about whether costs for light refreshments, and meals for events are allowable to the recipient's EPA Project Officer. However, the Agency Award Official or Grant Management Officer will make final determinations on allowability. Agency policy prohibits the use of EPA funds for receptions, banquets and similar activities that take place after normal business hours unless the recipient has provided a justification that has been expressly approved by EPA's Award Official or Grants Management Officer.

Note: U.S. General Services Administration regulations define light refreshments for morning, afternoon or evening breaks to include, but not be limited to, coffee, tea,

milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, or muffins. (41 CFR 301-74.11)

The following condition is added:

14. AIR MONITORING WORKPLAN

Within 45 days of receipt of this agreement, the recipient shall submit a revised workplan to the U.S. Environmental Protection Agency, Region 2 Air Programs Branch describing the proposed use of the \$429,517 in Clean Air Act Section 105 supplemental funds. These Clean Air Act Section 105 supplemental funds (PRC 102A04) shall not be expended until the EPA's Air Programs Branch approves the use of the \$429,517 in CAA 105 supplemental funds.

Condition 13, Clean Water Act Section 106 Monitoring Initiative Funds Workplan, has been satisfied.

All other Programmatic Conditions remain the same.